

Remarks/Arguments

I. Status of the Claims

- A. Claims 1-5, 7-11, 13-18, and 22 are currently pending.
- B. Claim 35 remains rejected under 35 U.S.C. § 112, 1st as allegedly lacking enablement.
- C. Claims 1-5, 7-11, 13-18, and 22 stand rejected under 35 U.S.C. § 103(a).

II. Oath/Declaration

A replacement oath is provided herewith.

III. Amendment to the Specification Regarding a Deposit

As noted previously during prosecution, the specification contains blanks at pages 5, 6, 14, 15, and 16 in case a future deposit is made. Upon an indication of allowable subject matter, the paragraphs, including the blank spaces, will be amended or deleted.

IV. Amendment to the Claims

Independent claim 1 has been amended. No new matter is believed to be added. Support for the amendment can be found in at least the specification, claims, drawings, and sequence listing as originally filed, including at Figures 4-5 and SEQID NO:s 1-3.

V. Rejections Under 35 U.S.C. S 112

The Office rejects claim 35 under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement. Final Office Action at page 3. According to the Office, "the host cell of claim 35 must be readily available or obtainable by a repeatable method set forth in the specification, or otherwise available to the public.

As noted in the response filed 11 November 2009, the host cell deposited with the NIH AIDS Research and Reference Reagent Program as Catalog No. 11467 is available to the public. The NIH AIDS Research & Reference Reagent Program is notably a Budapest Treaty recognized repository. Those interested in obtaining the host cell can do so by requesting it through the NIH AIDS Research and Reference Reagent Program. In addition, the existence of the host cell has been published in the current application (published as U.S. 2007/0134767) as well as in the following publication: Wu, Y., Beddall, M. H., and Marsh, J. W. (2007). Rev-dependent indicator T cell line. Current HIV Research 5, 395-403. Moreover, the availability of the host cell may be best evidenced by authors acknowledging same. Thus, the host cell of claim 35 is known and readily available to the public. See M.P.E.P. 2334.31. Thus, Applicants respectfully request that the Office withdraw this enablement rejection of claim 35.

VI. Naldini in View of Olsen Does Not Render Claims 1-5, 7-11, 13-18, and 22, Obvious

The office rejects claims 1-5, 7-11, 13-18, and 22 under 35 U.S.C §103(a) as being obvious over Naldini et al. (Science, 1996, 272:263-267; hereinafter "Naldini") in view of Olsen (Journal of Acquired Immune Deficiency Syndromes, 1991, 4:558-567; hereinafter "Olsen").

Non-final office action dated 20 April 2011, at pages 6-9. Applicants respectfully traverse this rejection.

In the interest of compact prosecution and not in response to any rejection, claims 1-5, 7-11, 13-18, and 22 have been amended as set forth *supra*. Accordingly, applicants respectfully request that the office withdraw this 35 U.S.C. §103 rejection of claims 1-5, 7-11, 13-18, and 22 are in condition for allowance.

VII. *Mautino in View of Olsen Does Not Render Claims 1-5, 7-11, 13-18, and 22 Obvious*

The office rejects claims 1-5, 7-11, 13-18, and 22 under 35 U.S.C §103(a) as being obvious over Mautino et al. (Human Gene Therapy, 2000, 11:895-908; hereinafter “Mautino”) in view of Olsen. Non-final office action dated 20 April 2011, at pages 9-12. Applicants respectfully traverse this rejection.

In the interest of compact prosecution and not in response to any rejection, claims 1-5, 7-11, 13-18, and 22 have been amended as set forth *supra*. Accordingly, applicants respectfully request that the office withdraw this 35 U.S.C. §103 rejection of claims 1-5, 7-11, 13-18, and 22 are in condition for allowance.

VIII. *Conclusion*

If there are any outstanding issues that might be resolved by an interview or an Examiner's Amendment, Applicants request that the Examiner call the Applicants' agents at the telephone number shown below. For these and the foregoing reasons, Applicants believe the present application is now in condition for allowance. Applicant respectfully requests

reconsideration of this application and a timely allowance of the pending claims. Rejoinder is respectfully requested. This is believed to be a complete and proper response to the outstanding office action.

IX. Deposit Account

Please grant any extensions of time required to enter this response. Any deficiency or overpayment should be charged or credited to Deposit Account No. 50-3212. The applicant herewith petitions the Commissioner of Patents and Trademarks to extend the time for reply if need be.

Respectfully submitted,

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